



POLICE DEPARTMENT

July 14, 2015

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Torrel Rowsingleton
Tax Registry No. 949912
28 Precinct
Disciplinary Case No. 2013-10920

The above-named member of the Department appeared before me on March 30, 2015, charged with the following:

1. Said Police Officer Torrel Singleton [sic], on or about May 21, 2013, at approximately 2300 hours while assigned to the 28th Precinct and on duty in the vicinity of the [sic] Seventh Avenue between West 114th Street and West 115th Street, New York County, did wrongfully use force against Calvin Holder, in that he pushed Mr. Holder without police necessity.

P.G. 203-11 – USE OF FORCE

The Civilian Complaint Review Board (CCRB) was represented by Heather Cook, Esq. Respondent was represented by John Tynan, Esq. Respondent, through his counsel, entered a plea of not guilty to the subject charge. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent is found Guilty.

SUMMARY OF EVIDENCE PRESENTED

It is not disputed that on May 21, 2013, at about 2300 hours, Respondent was on duty, in uniform, assigned to the 28 Precinct, performing foot patrol accompanied by Police Officers Chin and Basile. In the vicinity of 7th Avenue between West 114th Street and West 115th Street, Manhattan, the three officers were walking side-by-side on the sidewalk. Calvin Holder was walking toward them. When Holder came within an arm's length of the officers, Respondent reached out with his right arm, put his open hand on Holder's upper chest and pushed him.

Calvin Holder was called as a witness by the CCRB attorney. Holder, who is a 62-year-old Parks Department employee, recalled that after drinking a few beers with his friend at his friend's mother's building, they left the building and walked out onto the sidewalk. Holder saw "kids" who were "clowning around" between West 114th Street and West 115th Street. As Holder and his friend walked down the street they saw three police officers approaching them. One officer was "black," the two other officers were "Caucasian." As Holder and his friend were about to pass by the officers, the black officer asked Holder, "Are you calling me a clown?" Holder responded, "If you want to be a clown, you a clown." The black officer told Holder, "You have the right nigger now." He then slapped Holder in the face with an open palm and walked away. The two other officers did not say anything to Holder before or after he was slapped by the black officer. After Holder's friend told him that he should report the incident, Holder called 911.

Respondent's testimony is summarized in the Findings and Analysis section.

FINDINGS AND ANALYSIS

It is charged that Respondent pushed Holder without police necessity. I find Respondent Guilty based solely on his own testimony at this trial.

Respondent attempted to justify his admitted action of placing his hand on Holder's upper chest and pushing him, causing Holder to propel backwards, by testifying: that when Holder was about four feet in front of the officers walking towards them he heard Holder mumble "something" that Respondent could not make out and make a face that was not a welcoming look; that Holder smelled of alcohol; that even though Holder was an "arm's length" away from him he felt that Holder was in his "personal space;" that even though the officers were walking three across and he was in the middle with Chin on one side of him and Basile on other side, he was concerned for his personal safety because he felt "threatened" by Holder's "demeanor" of not smiling and being welcoming; and that he closed his eyes just before he put his hand on Holder's upper chest and pushed him.

None of these factors, even when they are viewed in combination, justifies Respondent's initiation of any physical contact with Holder, much less a push. Even if Holder was intoxicated, Respondent had no right to push Holder away from him. Moreover, Respondent's push was not preceded by any direction to Holder that he step back or by any other warning. In fact, Respondent admitted that he did not say anything at all to Holder before he reached out and pushed him.

Nothing that Respondent described Holder as doing or saying explains why Respondent would push Holder without having said a word to him. However, statements Respondent made at his CCRB interview betray that Respondent's otherwise inexplicable

behavior of pushing Holder may have had its genesis in an incident that occurred just before Respondent encountered Holder. At his CCRB interview Respondent stated that less than five minutes before he pushed Holder, he and Chin and Basile had encountered youths on the street who Respondent believed had been drinking and who were playing loud music. Although Chin asked the youths to keep the volume down 15 minutes prior, when the officers were leaving, the youths "cranked" the volume "way up." Respondent told his CCRB interviewer that he considered this action by the youths to be "totally disrespectful" and so he turned around and "issued them a summons." The youths then became "unruly" and began "screaming" at him. This caused him to think that "the whole block was obviously against me or something."

Based on these statements, I can only conclude that Respondent pushed Holder solely because Holder was the next person that Respondent encountered on the block that he perceived as unwelcoming after his encounter with the disrespectful youths.

Respondent is found Guilty.

PENALTY

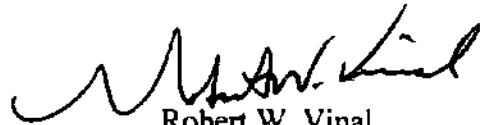
In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on July 6, 2011. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The CCRB attorney recommended that Respondent forfeit five vacation days as a penalty. In *Case No. 2013-9972* (March 27, 2015), a 23-year police officer who had one

prior disciplinary adjudication forfeited five vacation days as a penalty after he was found guilty at trial of unnecessarily slapping a civilian who posed no physical threat to the officer.

It is recommended that Respondent forfeit five vacation days.

Respectfully submitted,



Robert W. Vinal
Assistant Deputy Commissioner - Trials

APPROVED

SEP 02 2013

WILLIAM J. BRATTON
POLICE COMMISSIONER

POLICE DEPARTMENT
CITY OF NEW YORK

From: Assistant Deputy Commissioner - Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER TORREL ROWESINGLETON
TAX REGISTRY NO. 949912
DISCIPLINARY CASE NO. 2013-10920

Respondent received an overall rating of 3.5 on his 2014 performance evaluation and 3.0 on his 2013 evaluation. He has no medals. [REDACTED]
[REDACTED] He has no prior formal disciplinary record and no monitoring records.

For your consideration.



Robert W. Vinal
Assistant Deputy Commissioner - Trials